

DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 450-6539
John Fouhey (JF 9006)
Marshall S. Huebner (MH 7800)
Benjamin S. Kaminetzky (BK 7741)
Jared R. Winnick (JW 1229)

Attorneys for Plaintiffs/Debtors and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

DELTA AIR LINES, INC., et al.,

Debtors.

2.5.17.2.2 (A.GTP)

(Jointly Adminis

x (Jointly Administered)

DELTA AIR LINES, INC. et al.,

Plaintiffs,

V.

Adv Pro No 05-03614

**DENNIS SMITH, individually and on behalf of
all others similarly situated.**

Defendants.

**STIPULATION VOLUNTARILY DISMISSING COMPLAINT
WITHOUT PREJUDICE**

Pursuant to Federal Rule of Bankruptcy Procedure 7041(a)(1) and Federal Rule of Civil Procedure 41(a)(1), it is hereby stipulated and agreed between the parties that the Complaint in this action, seeking to extend the automatic stay to the non-debtor Defendants in an action pending in the United States District Court for the Northern District of Georgia, is voluntarily dismissed without prejudice, with all parties to bear their own costs.¹

¹ By Order dated March 31, 2006, the United States District Court for the Northern District of Georgia, Atlanta Division (Evans, USDJ) granted the non-Debtor Defendants' motion to dismiss the underlying action, Smith v. Delta Air Lines Inc., Civ. No. 1:04-CV-2592-ODE, as to all counts against all Defendants except Delta.

Dated: New York, New York
April 10, 2006

By: /s/ Jared R. Winnick
John Fouhey (JF 9006)
Marshall S. Huebner (MH 7800)
Benjamin S. Kaminetzky (BK 7741)
Jared R. Winnick (JW 1229)
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Fax: (212) 450-6539

Attorneys for Plaintiffs

By: /s/ Ira M. Levee
Michael S. Etkin (ME 0570)
Ira M. Levee (IL 9958)
LOWENSTEIN SANDLER, P.C.
1251 Avenue of the Americas, 18th Fl.
New York, New York 10020
Telephone: (212) 262-6700
Fax: (212) 262-7402
and
65 Livingston Avenue
Roseland, New Jersey 07068
Telephone: (973) 597-2500
Fax: (973) 597-2400

Attorneys for Defendants